72-1263

APR 9 1

MICHAEL RODAK, J

In the Supreme Court of the United States

October Term, 1972
No. A-684

WILLIAM WILK, *et al.* and HARVEY SMITH, *et al.*,
Petitioners,

vs.

YELLOW FREIGHT SYSTEM, INC., *et al.*,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BRIEF FOR RESPONDENT IN OPPOSITION

BRUCE B. LAYBOURNE
LAYBOURNE, MCCLENATHEN, ZURZ & SMITH
1101 Second National Building
Akron, Ohio 44308
Attorney for Respondent, Freight Drivers, Dockworkers and Helpers Local Union Number 24

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 621-5647

In the Supreme Court of the United States

October Term, 1972

No. A-684

WILLIAM WILK, *et al.* and HARVEY SMITH, *et al.*,
Petitioners,

vs.

YELLOW FREIGHT SYSTEM, INC., *et al.*,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BRIEF FOR RESPONDENT IN OPPOSITION

Respondent, Freight Drivers, Dockworkers and Helpers Local Union Number 24, respectfully submits to the Court that the petition for writ of certiorari in so far as it pertains to said respondent should be denied for the following reasons:

This respondent filed a motion for summary judgment in the United States District Court, Northern District of Ohio, Eastern Division and supported this motion with an affidavit from the President of the respondent union. This affidavit set forth facts which clearly revealed that the

respondent was not concerned in the dispute which was before the Court since none of its members were employed by the respondent employers. This petition was not challenged by the petitioner and the District Court granted the motion. Again, the United States Court of Appeals For The Sixth Circuit affirmed the judgment of the District Court for the same reason as applied to this respondent. All of the above appears in the appendices to the Petition For Writ of Certiorari.

Respondent requests the Court to deny the Petition as it pertains to it upon the same grounds as appeared in former proceedings.

Respectfully submitted,

BRUCE B. LAYBOURNE
LAYBOURNE, MCCLENATHEN, ZURZ & SMITH
1101 Second National Building
Akron, Ohio 44308
Attorney for Respondent, Freight Drivers, Dockworkers and Helpers Local Union Number 24